

## **MINUTES**

### **INDIANA STATE BOARD OF DENTAL EXAMINERS**

**DECEMBER 4, 2009**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Miller called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

##### **Board Members Present:**

Matthew Miller, D.D.S., President  
Jill Burns, D.D.S., Vice President  
Steven Hollar, D.D.S., Secretary  
Philip Catey, D.D.S.  
Gary Haller, D.D.S.  
Charles Heape, D.D.S.  
Richard T. Newton, D.D.S.  
Theodore Rokita, D.D.S.  
Laverne Robison Whitmore, L.D.H., B.S.  
Clance LaTurner, Consumer Member

##### **Board Members Absent:**

##### **State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency  
David Mulinaro, Case Manager, Professional Licensing Agency  
Jim Schmidt, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF THE AGENDA**

A motion was made and seconded to adopt the agenda, as amended, and to add Elections for Vice President to the agenda.

BURNS/HALLER

Motion carried 9-0-0

\*Dr. Rokita was not present for the vote

#### **III. ADOPTION OF MINUTES FROM THE OCTOBER 2, 2009 MEETING**

A motion was made and seconded to adopt the minutes, as corrected, from the October 2, 2009 meeting.

BURNS/LaTURNER

Motion carried 9-0-0

\*Dr. Rokita was not present for the vote

#### **IV. APPEARANCES**

##### **A. PROBATIONARY**

- 1. Tammy M. Bacon, L.D.H., License No. 13005564A**  
Administrative Cause No. 2008 ISDB 0005

Ms. Bacon appeared before the Board, as requested, regarding her ongoing probationary status. She stated that things are going well. Her report from October 1, 2009 is favorable and she submitted her November report today. There have been no changes and she is still attending meetings as required. Ms. Bacon is currently employed and states that is going well. She indicated she still practices as a dental hygienist on an on-call basis and currently owns her own business outside of the practice of dental hygiene. The Board is pleased with Ms. Bacon's progress. Her next appearance is scheduled for February 5, 2010.

- 2. Michael Edward Bajza, D.D.S., License No. 12009652A**  
Administrative Cause No. 2005 DB 0011

Dr. Bajza appeared with counsel, Michael P. Mulchay, Esq., before the Board, as requested. Dr. Bajza is currently on suspension but his license will automatically be reinstated on February 7, 2010. He is currently working on completing his continuing education requirement. Dr. Bajza has been working with Ms. LaTurner in order to set up his community service in his area of the state, but does not feel he can commit to that until next fall or until his license is reinstated. He is meeting with his mentor today for the first appointment. The Board is pleased with his progress. Mr. Mulchay questioned whether his license will be updated on February 7, 2010 and if he will keep the same license number for insurance purposes. The Board stated that his license will update automatically and it will be the same license number.

- 3. Daniel J. Fink, D.D.S., License No. 12007602A**

Dr. Fink appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Fink reports he has not been in the office while Dr. Jimerson is not present. Dr. Fink stated that Dr. Jimerson is only in the office on Mondays, Wednesdays and Thursdays. He had hired Dr. Bland Walker for a short time; however they let Dr. Walker go. He was hired only as an employee, not as a supervising dentist to Dr. Fink. He was let go due to patient complaints, one specifically being a racial complaint. Dr. Fink states he did not know the extent of Dr. Walker's probationary license prior to hiring him. He is currently seeking a new dentist. He reminded the Board that he is only part owner of the practice he is in and only works Monday's, Wednesday's, and Thursday's. He stated that he owns the practice along with outside investors, Nick and Caroline Owens and Dr. Jimerson. When questioned by the Board regarding this ownership, he stated that he only considers the Owens as practice managers and not owners. Dr. Fink said that he and Dr. Jimerson are 50/50 owners and the practice management group is a third party that receives revenue for managing

funds. The Board reminded Dr. Fink that the Board must approve anyone he considers to be his supervising dentist. When asked what the office does on Tuesdays and Fridays, he indicated the staff works on billing. Dr. Fink stated that Dr. Jimerson is the only one that does emergency care outside of normal business hours for the practice.

**B. APPLICATION**

**1. Joyce Ann Barbour, D.D.S.**

Dr. Barbour appeared before the Board as requested regarding her dental application for licensure by endorsement. She is a 1995 graduate of Meharry Medical College and is currently licensed in the state of Tennessee. Dr. Barbour has taken and passed National Boards in 1992 and 1997 and the Southern Regional Testing Agency Examination (SRTA) regional examination on June 1, 2007. The Board asked Dr. Barbour to appear regarding several questions they had regarding her completion of dental school, examination retakes and what is her current position at Meharry Medical College. Dr. Barbour stated the school will not issue a degree without passing the boards. She indicated she began Meharry Medical College in 1990 and completed her course work in 1995, but did not pass Part 2 of the National Boards until 1997. Dr. Barbour explained to the Board that the problems she was having in take the Indiana state boards was being able to obtain patients, as she could not secure patients to complete the boards and the same thing occurred when she was taking the North East Regional Board (NERB), in Chicago, Illinois. She did complete the patient part of NERB in Chicago and the mannequin part in Ann Arbor, Michigan. During this time, she has worked with the United States Postal Service and then with a mobile dental facility in Indianapolis for a Michigan based company for four to five years. She has been practicing in Tennessee since 2006 as a dentist, completing a one year residency, then being hired by Meharry Medical College. She sees patients at the universities clinic on weekends. Dr. Barbour also works at a homeless clinic doing extractions as well as working at the university doing more general dentistry work, crowns and bridges. She also works with handicap and mentally challenged patients every other Friday. She took it upon herself to complete the residency because she could not pass the clinical portion in Indiana. Meharry Medical College hired her upon completion of her residency program as attendee resident and staff dentist. Dr. Barbour would like to be licensed in Indiana so she can move back to be with her family. She has taken and successfully passed the Indiana jurisprudence examination.

**Board action:** A motion was made and seconded to grant Dr. Barbour a dental license.

BURNS/LaTURNER  
Motion carried 9-1-0

**C. RENEWAL**

**1. Charlotte Marie Connor, L.D.H., License No. 13005407A**

Ms. Connor did not appear before the Board, as requested, regarding the reinstatement of her expired dental hygiene license.

**Board action:** A motion was made and seconded to deny the reinstatement of Ms. Connors expired dental hygiene license.

HOLLAR/HALLER  
Motion carried 10-0-0

**2. Jennifer Lynn Cook, L.D.H., License No. 13004150A**

Ms. Cook appeared before the Board, as requested, regarding reinstatement of her dental hygiene license. Her license lapsed March 1, 2004. She stated she has been living in Florida during this time working as a temporary dental hygienist. Ms. Cook completed her bachelor's degree in 2007 and is now looking for more permanent work. She provided the Board with additional continuing education certificates to meet the forty-two (42) hour requirement for Indiana since she has been expired since 2004 and is required fourteen (14) hours of continuing education per biennium. The Board advised her to renew her CPR Card since it will expire in January 2010 and her Indiana dental hygiene license will expire on March 1, 2010.

**Board action:** A motion was made and seconded to reinstate Ms. Cook's dental hygiene license upon successful completion of the Indiana jurisprudence examination.

WHITMORE/HALLER  
Motion carried 10-0-0

**3. Howard L. Green, D.D.S., License No. 12008663A**

Dr. Green appeared before the Board, as requested, regarding reinstatement of his expired dental license. Dr. Green's license lapsed on March 1, 1996. He had a busy dental practice in Louisville, Kentucky and chose not to renew his Indiana license. Dr. Green also holds a dental license in the State of California. He explained to the Board that he is considering coming back to Indiana to practice orthodontics, since he is currently residing in Indiana and working in Kentucky. Dr. Green has never had action taken against any of his dental licenses and has completed all required continuing education.

**Board action:** A motion was made and seconded to reinstate Dr. Green's dental license.

HOLLAR/LaTURNER  
Motion carried 10-0-0

**4. Christine Harkemeyer, L.D.H., License No. 13001134A**

Ms. Harkemeyer did not appear before the Board, as requested, regarding reinstatement of her expired dental hygiene license.

**Board action:** A motion was made and seconded to deny the reinstatement of Ms. Harkemeyer's expired dental hygiene license.

HOLLAR/HALLER  
Motion carried 10-0-0

**5. Sue Ann Lichtenberg, L.D.H., License No. 13002113A**

Ms. Lichtenberg appeared before the Board, as requested, regarding reinstatement of her expired dental hygiene license. Her license has been expired since March 1, 1983. She explained that she has been practicing for forty-nine (49) years and that her husband is a college football coach and they have moved thirty-one (31) times during this time period. She most recently worked and lived in Columbus, Ohio. Ms. Lichtenberg has been continuously practicing dental hygiene since leaving the state of Indiana and has never had disciplinary action taken against any of her licenses.

**Board action:** A motion was made and seconded to reinstate Ms. Lichtenberg's expired dental hygiene license upon successful completion of the Indiana jurisprudence examination.

CATEY/WHITMORE  
Motion carried 10-0-0

**6. Jacqueline Faith Welch, L.D.H., License No. 13002172A**

Ms. Welch appeared before the Board, as requested, regarding reinstatement of her expired dental hygiene license. Her license has been expired since March 1, 2004. She explained that in 2004 her husband opened a graphics business and she began working full time with him. Ms. Welch has since decided to go back into working as a dental hygienist due to personal reasons. She was working on updating her skills with two dentists located in Elkhart, Indiana. She was previously employed by Dr. John Stewart and has completed all continuing education requirements. Ms. Welch had practiced full and part-time previously for 21 years prior to letting her license expire in 2004.

**Board action:** A motion was made and seconded to reinstate Ms. Welch's expired dental hygiene licenses upon successful completion of the Indiana jurisprudence examination.

WHITMORE/LaTURNER  
Motion carried 10-0-0

**V. DISCUSSION**

**A. Proposed Rule**

Re: Dental Hygienists and Dental Assistants

The rules are still pending. Some questions have arisen that need to be discussed. Ms. Vaught has the physical impact written but it has not been checked with

Professional Licensing Agency's legal counsel. The current budget proposal is at approximately \$2,000,000.00 for the dental hygiene rule. The current Notice of Intent will expire on December 31, 2009. The Board will need to resubmit and publish a new Notice of Intent. Questions regarding the proposed rule are as follows:

- Local dental hygiene anesthetic permit definition needs to be referred to as a "local anesthesia permit" instead. However, statute does not allow the change in the rule for this.
- Direct supervision has two different meanings under two different statutes. One statute is for dental assistants and the other is for dental hygienists. Legal counsel advised Board to put the definition in the rule and refer back to the statute number it belongs to.
- 1-2-0.5; Board needs to define correctional institution for dental hygiene facility as all others have been defined. Ms. Whitmore's suggested definition reads as, "'Correctional institution' means penal institution maintained by the government, which provides for long term confinement, penal custody, probation, or parole for convicted offenders". The Board decided to reflect the statute definition found under 25-13-1-10 and to strike the definition from the rule.
- 3-2-1; Dental hygiene anesthesia permits. Board feels this does not clarify whether education is required and asks if NERB is considered Board approved education. It was pointed out that #12 demonstrate clinical competency and only covers didactic portion and not clinical competency. The Board is concerned that there are questions on national boards regarding anesthesia. Legal counsel is concerned that the rule is going beyond what the statute requires to issue permit to a dental hygienist to administer anesthesia and states the rule needs to specify educational requirement. The Board tabled the discussion for now.
- 3-2-3(b) those who have attended an out of state program. It is asked how are we to determine whether they qualify or not. The Board will have to look at the course curriculum to determine if the applicant has taken the appropriate course for what we require. Indiana only approves block and infiltration, not nitrous oxide, where this differs with other states surrounding Indiana. The Board decided to strike (b) from the rule.
- 6-1-5; out of state requirements. The Board decided to strike (b) since it was struck from the other and move it into (a) so it still says equal to or greater than.
- Add "successful completion of the examination as a requirement for graduation of a dental hygiene program" to this rule. The candidate will successfully complete the NERB local anesthesia examination.

## **VI. ADMINISTRATIVE HEARINGS**

**A. Gregory Bierman, D.D.S., License No. 12009223A**  
Administrative Cause No. 2009 ISDB 0006  
Re: Complaint

### **Parties and Counsel Present:**

Respondent was not present nor represented by counsel  
Mark Mader, Deputy Attorney General for the State of Indiana  
Sherri Rutledge, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Newton, D.D.S.  
Dr. Haller, D.D.S.  
Dr. Catey, D.D.S.  
Dr. Heape, D.D.S.  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S.  
Ms. LaTurner, Consumer Member

**Case Summary:** Dr. Bierman or Angela M. Smith, Attorney for the Respondent, did not appear before the Board. Mr. Mader presented a Settlement Agreement to the Board. Mr. Mader gave an overview of the complaint: Dr. Bierman charged a Medicaid patient for copies of x-rays which is forbidden. This is a spin down issue and it became a contested and disputed issue between the plaintiff and the defendant which ended up in the Indiana State Attorney General's office as a complaint due to the fact of it being against Medicaid rules that you cannot charge a Medicaid patient for x-rays. The Settlement Agreement reads as follows:

1. Respondent shall receive a letter of reprimand.
2. It is further ordered that Respondent shall complete an additional four (4) hours of continuing educational units in Indiana Ethics and Jurisprudence from two (2) different sources. This obligation is in addition to his biennial continuing educational unit obligation for the current period. Both courses are to be completed by March 1, 2010, with certificates of completion forwarded to the Office of the Indiana Attorney General in care of Mark E. Mader, Deputy Attorney General, no later than March 15, 2010.
3. It is also ordered that Respondent shall certify he has read and understands the statutes and rules governing the practice of dentistry in Indiana. Said certification shall be forwarded to the Office of the Indiana Attorney General as above, no later than March 15, 2010.
4. It is further ordered that:
  - (a) Any information received by any other regulatory agency that indicates non-compliance with the statutes or regulations regarding the competent practice of Dentistry; and/or
  - (b) A violation of the Final Order;  
may result in the State of Indiana requesting an emergency suspension of Respondent's Indiana Dentistry license, as well as possible reinstatement of The initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Ind. Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.  
This Agreement, having been approved and incorporated herein, pursuant to the terms it contains is a final disposition of all pending matters and not subject to judicial review.
5. The Board shall retain continuing jurisdiction of this case.

**Board Action:** A motion was made and seconded to accept the Settlement Agreement as read.

LaTURNER/BURNS

Motion carried 9-0-1

\*Dr. Hollar abstained

- B. Roschelle Major-Banks, D.D.S., License No. 12009164A**  
Administrative Cause No. 2009 ISDB 0009  
Re: Complaint

**Parties and Counsel Present:**

Respondent was not present nor represented by counsel  
Mark Mader, Deputy Attorney General for the State of Indiana  
Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Newton, D.D.S.  
Dr. Haller, D.D.S.  
Dr. Catey, D.D.S.  
Dr. Heape, D.D.S.  
Ms. LaTurner, Consumer Member  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S

**Case Summary:** Hearing has been continued until February 5, 2010.

- C. Mathew Negrelli, D.D.S., License no. 12009878A**  
Administrative Cause No. 2009 ISDB 0005  
Re: Notice of Proposed Default and Emergency Suspension

**Parties and Counsel Present:**

Respondent was not present  
Lori Brown, Counsel for the Respondent  
Mark Mader, Deputy Attorney General for the State of Indiana  
Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Miller, D.D.S., President (Hearing Officer)  
Dr. Hollar, D.D.S.  
Dr. Burns, D.D.S.  
Dr. Newton, D.D.S.  
Dr. Haller, D.D.S.  
Dr. Catey, D.D.S.  
Dr. Heape, D.D.S.  
Ms. LaTurner, Consumer Member  
Ms. Whitmore, L.D.H., B.S.  
Dr. Rokita, D.D.S



**Case Summary:** Dr. Negrelli was not present for his administrative hearing but was represented by counsel, Lori Brown. Dr. Negrelli was not present since he is in an inpatient rehabilitation center in Missouri. Ms. Brown stated Dr. Negrelli did not receive the notice dated October 8, 2009 regarding a hearing. She did indicate he received an email dated October 26, 2009 and a letter dated October 28, 2009. Mr. Mader explained that it is clear under statute IC 4-21.5-3-25(b) that he was to respond within seven (7) days with a letter to the board indicating why he was not present for the hearing. The Board did receive a response, however it was not sent to the Board in a timely manner. Mr. Mader stated the Respondent has defaulted but will leave it up to the Board to decide if they want to continue this matter until the Respondent can be present. The State points out that they received a response which stated that the Respondent was involved in an accident, but failed to mention it was due to impaired driving which is the basis of the complaint to begin with. The State asks the Board to issue default with current facts and continue with sanctions until Dr. Negrelli can be present for a hearing. Ms. Brown stated they had been in contact with Mr. Mader regarding this and was trying to complete a settlement agreement. Respondent was supposed to go to a meeting in Columbus to sign an agreement, but was involved in an accident on that date. Ms. Brown is asking the Board to continue the hearing until February 5, 2010 so the Respondent can be present to defend himself. She states this stems from personal problems which caused him to begin drinking. Mr. Mader stated there was no agreement, but an attempt to reach an agreement. He clarifies that the State never received a signed agreement that was entered into by both the State and the Respondent. He also questions her request that the Board continue this matter so the Respondent can be present. Mr. Mader feels Dr. Negrelli has defaulted on the facts and the Board can suspend him if they so choose or continue the hearing until such a time respondent can be present. The notice of proposed default was issued due to the Respondent not appearing before the Board as requested and the emergency suspension was requested due to the facts surrounding the Respondent's behavior during this time.

**Board action:** A motion was made and seconded to default Dr. Negrelli.

CATEY/HALLER  
Motion carried 10-0-0

At this time the State will present the final hearing in this matter.

**Case Summary:** The State points out the fact that this was a referral from Ms. Vaught from a notice given by Ms. Candace Backer with the Dental Well-Being Program after employee's smelled alcohol on Respondent while at work. He entered into treatment in January 2009 and was discharged March 1, 2009. Respondent relapsed and was arrested for public intoxication on March 5, 2009. He agreed to re-enter treatment on March 11, 2009 and was discharged on April 30, 2009. He subsequently sold his practice during this time. Respondent entered into a contract with the Dental Well-Being program and was reported by Ms. Backer that he defaulted on the agreement and did not show for any drug or alcohol screenings and did not meet with Ms. Backer as requested. Ms. Backer

believes he has not practiced dentistry since December 2008. Bartholomew County confirmed Respondent agreed to plead guilty to public intoxication. On November 20, 2005 he was stopped by a Bartholomew County Sherriff and ultimately was charged with driving while intoxicated. Upon stopping him, the Sherriff noticed a young girl sitting in the middle back seat that was later revealed as being the Respondent's daughter. He subsequently failed a field sobriety test and given a breathalyzer test, which scored him at .08. He was again tested at the jail where he had a blood alcohol content of .22. On March 10, 2006, Respondent pled guilty to driving while intoxicated and endangering a minor. He was given a 180 day probationary driver's license, one (1) year probation and ordered to pay fines and fees. Mr. Mader pointed out to the Board that this is an ongoing issue that happened prior to his personal problems with his divorce and custody issues. He feels Respondent is a danger to the public since he was practicing while intoxicated. He has since been charged with false reporting resulting from his most recent driving under the influence accident where he told the officers that his girlfriend was driving the vehicle. Respondent is currently in COPAC, an inpatient treatment facility where he cannot practice dentistry and must live there during his treatment. The State requests the Board suspend Respondent indefinitely so he would have to then prove to the Board he is capable of practicing once treatment is complete.

**Board action:** A motion was made and seconded to place Dr. Negrelli's dental license on indefinite suspension. Respondent may apply for reinstatement of his license by requesting a hearing before the Board at which time he must satisfy the Board that he is able to practice with reasonable skill and safety to the public. As a condition for reinstatement, the Board may impose disciplinary or corrective measures authorized under Ind. Code § 25-1-9.

HEAPE/WHITMORE  
Motion carried 10-0-0

## VI. OLD/NEW BUSINESS

### A. Agency Updates

Ms. Vaught discussed changes within the agency.

- Effective December 1, 2009, the agency will no longer be issuing pocket cards to new licensees. They will have to go online and purchase a pocket card/wall certificate combo if they wish to obtain one. This does not change any posting requirements within the statute and rules.
- The Indiana jurisprudence examination will now be given electronically. By giving the examinations electronically, our case managers will email the law exam along with an answer sheet and an affidavit stating they will not release the law examination information to anyone and that they attest to that fact that they have read and understand the Indiana Dental Statute and Rules. This process will save the office time and help with the agency budget. \*The Board has agreed to allow us to do the online law examination.

**B. ADA Meeting**

Dr. Hollar stated that while in Hawaii at the American Dental Association meeting, he met with some other board presidents and discussed with them the issue of tooth whitening kiosks. Kansas has accomplished this and issued an article dated August 21, 2009 regarding this matter.

**C. Ethics and Jurisprudence Continuing Education**

Dr. Hollar discussed his concern with self-study ethics and jurisprudence continuing education. He feels everyone should have to attend a live seminar on this topic and that one does not get as much out of a self-study program as one does by attending seminars. Dr. Burns pointed out this would be burdensome on out of state licensed dentists and dental hygienists. Ms. Whitmore also feels this would be a burden to dental hygienists that are stay-at-home mothers in the state, yet maintain their licenses. Both disagree with not allowing online continuing education. Dr. Heape doesn't think practitioners retain what they learn by doing it all online. Dr. Catey thinks there should be a middle of the road with self-study continuing education and seminar continuing education. Dr. Miller agreed with Dr. Burns and Ms. Whitmore regarding out of state practitioners, but also agrees with Dr. Catey on how practitioners with multiple licenses keep it straight. The Board devised a Continuing Education Committee which will speak with other Boards at the NERB meeting regarding their requirements for continuing education to get a feel of what is going on in other states. The committee will consist of Dr.'s Hollar, Haller, and Miller and nominated Ms. Whitmore as committee consultant. Jay Dziwlik spoke for the Indiana Dental Association regarding the online continuing education and feels they are up to par on the courses they offer online. The IDA does offer online live seminars. Mr. Dziwlik also let the Board know the IDA receives out of country requests as well from military and deployed practitioners.

**D. Northeast Regional Board Meeting**

This is just a reminder that the NERB meeting will be held January 14, 2010.

**E. Dental Renewals**

Renewal reminders will be emailed and mailed at the end of December 2009. The first round will go out as an email blast. The second round will go out by mail the first of January to those whose email was returned or do not have an email address. Ms. LaTurner inquired about the survey from the Board of Health. Ms. Vaught informed the Board the survey would be attached to online renewals.

**F. Complaint Process**

Dr. Hollar asked if a Board member is given information regarding a practitioner yet it is not passed on to the Attorney General's office as a complaint, can the Board member file the complaint. Legal counsel advised the Board, that yes, they can file the complaint; however they were cautioned

in doing so since it would be second hand and not actually coming from the one initially filing the complaint.

## **VII. DISCUSSION**

**A. Tony Hewlett, D.D.S., President  
Academy of Laser Dentistry  
Re: Use of Lasers**

Dr. Hewlett sent a letter to the Board regarding the dental use of lasers. Ms. Whitmore stated she feels the Board needs to discuss the use of lasers by dental hygienists. It is used in periodontal care and that falls under the scope of practice for dental hygienists.

**B. Karen Dunn, R.D.H., B.S.  
North East Regional Board of Dental Examiners  
Re: Protocol for the Administration of Injectable Local Anesthetic by Dental Hygiene Candidates.**

The Board discussed a letter received by Karen Dunn asking questions concerning the protocol for the administration of injectable anesthetic by dental hygiene candidates during the clinical portion of the NERB exam. The questions asked and the answers given are as follows:

- **What level of supervision is required in your state for a dental hygienist to administer ILA and what is your state definition of that type of supervision?**  
-Not applicable.
- **For a dentist to act as a supervising dentist during a clinical licensure exam do the patients being treated have to be a patient of record with that dentist and what constitutes being a patient of record in your state?**  
-Not applicable.
- **What is the threshold requirement for a dental hygienist to start administering ILA in your state?**  
-Not Applicable.
- **Would your state grant a waiver allowing dental hygiene candidates to perform ILA during their clinical licensure exam?**  
-No.
- **Does your state limit the number of dental hygienists a dentist can supervise at any given time?**  
-There is no limit.

**C. Administration of Flu Vaccine**

The Board of Health asks if dentists can administer the flu vaccine. The answer given to the Board of Health is "no". Administering treatment for the flu does not constitute a dental procedure.

**D. Dental Tooth Whitening**

Discussion over dental tooth whitening is tabled for now. There is nothing specifically written within the law regarding this procedure.

**IX. APPLICATION REVIEW**

**A. Examination**

There were no applications by examination to review.

**B. Endorsement**

**1. Philip Ray Travis, D.D.S.**

The application file for Dr. Travis was reviewed by the Board regarding a positive response to question number 1 asking "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?" and question number 7 asking "Have you ever had a malpractice judgment against you or settled any malpractice action?". He explained in a notarized affidavit that he answered yes to question 1 because he was disciplined in Kentucky due to permitting dental assistants to perform duties restricted by law to a licensed dentist or dental hygienist, namely, polishing or scaling coronal surfaces of human teeth and yes to number 7 for having numerous malpractice suits filed against him. Dr. Travis is a 1987 graduate of University of Louisville and is currently licensed in the states of Kentucky, Michigan and Illinois. Dr. Travis has taken and passed his National Boards in 1985 and 1986 and completed the Southern Regional Testing Agency Examination (SRTA) in 1987. The Board requested that Dr. Travis personally appear at the next scheduled meeting for further consideration of his application for licensure.

**Board action:** A motion was made and seconded to request Dr. Travis to personally appear at the next meeting.

HOLLAR/CATEY  
Motion carried 10-0-0

**C. Anesthesia and Sedation Permits**

There were no anesthesia permits to review.

**D. Dental Intern Permit**

There were no dental intern permits to review.

**E. Mobile Dental Facility**

There were no mobile dental facility applications to review.

**F. Instructors License**

There were no instructor's license applications to review.

**G. Professional Corporations**

There were no professional corporation applications to review.

**X. RENEWALS**

There were no renewal applications to review.

**XI. PROBATIONARY/CONDITIONAL LICENSE REPORT**

**A. James W. Cahillane, D.D.S.**

Dr. Haller reviewed Dr. Cahillane's probationary file. His reports from the Indiana Dental Well Being Program for September 2009 was reviewed and accepted.

**B. Penelope Lynn Dunlap, D.D.S.**

Dr. Haller reviewed Dr. Dunlap's probationary file. Her reports from Joseph W. Hake, D.D.S., Monitor, for September, October and November 2009; annual community service report at St. Martins Healthcare located in Garrett, Indiana and annual continuing education report of twenty-three (23) hours were reviewed and accepted.

**C. Marci L. Huth, L.D.H.**

Dr. Haller reviewed Ms. Huth's probationary file. Ms. Huth is currently not employed as a dental hygienist. She reported that her address had not changed, and the medication she is currently taking. Her report was reviewed and accepted.

**D. Christopher Leonard, D.D.S.**

Dr. Haller reviewed Dr. Leonard's probationary file. His reports from Jerry Hickman, D.D.S, worksite monitor, for August and September 2009 and the Indiana Dental Well being Program for September 2009 were reviewed and accepted. Dr. Leonard reported that he has closed his office in September 2009. He has found employment with Aspen Dental in Anderson, Indiana beginning on November 1, 2009.

**E. Edward T. Mamaril, D.D.S.**

Dr. Haller reviewed Dr. Mamaril's probationary file. His report of his prescription log for October and November 2009 were reviewed and accepted.

**F. Trevor Treasure, D.D.S.**

Dr. Haller reviewed Dr. Treasure's probationary file. His report of employment from Indiana University; Indiana Dental Association Well Being Program for September 2009 and Dr. Moe were reviewed and accepted.

**G. Bland Pope Walker, D.D.S.**

Dr. Haller reviewed Dr. Walker's probationary file. His reports from the Indiana

Dental Well-Being Program for September 2009 were reviewed and accepted.

**H. Teresa Michelle Watkins, D.D.S.**

Dr. Haller reviewed Dr. Watkins' probationary file. Her reports from Charles Miller, D.D.S, work site monitor, for October 2009 and the Indiana Dental Association Well Being Program for September 2009 were reviewed and accepted.

**Board Action:** A motion was made and seconded to accept all reports.

HALLER/BURNS

Motion carried 10-0-0

**XII. CONTINUING EDUCATION**

**A. Indiana Dental Education & Resource Association**

Approval was pending upon receiving additional information regarding the continuing education program. Dr. Newton reviewed the program again and has requested the name of the speaker, dates of seminars, credit hours that will be granted and an agenda of the seminar.

**Board action:** A motion was made and seconded to table Indiana Dental Education & Resource Association, until they can provide the requested documentation to complete the application.

NEWTON/CATEY

Motion carried 10-0-0

**XIII. REPORTS**

There were no reports before the Board.

**XIV. ASSOCIATION REPORTS**

**A. Indiana Dental Association**

There was no report before the Board.

**B. Indiana Dental Hygiene Association**

There was no report before the Board.

**C. Indiana Dental Assistants Association**

There was no report before the Board.

**XV. ELECTION OF VICE PRESIDENT**

Dr. Galen Williams, who was serving as Vice President, resigned from the Board. The Board needed to hold elections to elect a new Vice President to serve out the rest of Dr. Williams' term.

**Board action:** A motion was made and seconded to nominate and elect Dr. Burns as Vice President.

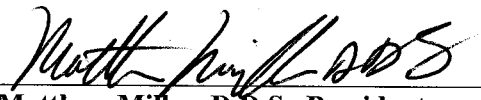
HOLLAR/HALLER  
Motion carried 9-0-0


## XVI. ADJOURNMENT

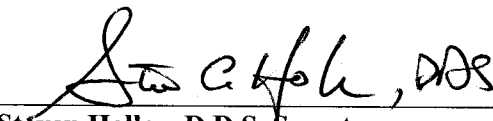
There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 2:15 p.m.

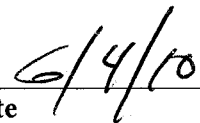
**Board action:** A motion was made and seconded to adjourn the meeting of the Indiana State Board of Dentistry at 2:15 p.m.

HOLLAR/LaTURNER  
Motion carried 10-0-0

  
Matthew Miller, D.D.S., President

  
Date

  
Steven Hollar, D.D.S., Secretary

  
Date